

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

SONOS, INC.,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

Case No. 6:20-cv-00881-ADA

**AMENDED SCHEDULING ORDER**

<b>Date</b>	<b>Item</b>
<b>December 18, 2020</b>	Case Management Conference
<b>January 8, 2021</b> (2 weeks after the CMC)	Deadline for Motions to Transfer
<b>March 5, 2021</b>	Defendant serves preliminary invalidity contentions <sup>1</sup> in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint, unless the parties agree to some other timeframe.
<b>March 18, 2021</b>	Parties exchange claim terms for construction.

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

<b>Date</b>	<b>Item</b>
<b>April 2, 2021</b>	Parties exchange proposed claim constructions.
<b>April 9, 2021</b>	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon in their opening brief with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>2</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
<b>April 16, 2021</b>	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
<b>April 23, 2021</b>	Plaintiff files Opening claim construction brief, including any arguments that any claim terms are indefinite.
<b>May 14, 2021</b>	Defendant files Responsive claim construction brief.
<b>May 28, 2021</b>	Plaintiff files Reply claim construction brief.
<b>June 11, 2021</b>	Defendant files a Sur-Reply claim construction brief.
<b>June 16, 2021</b> (3 Business Day after submission of sur-reply)	Parties submit Joint Claim Construction Statement and provide copies of briefs to the Court.
<b>June 18, 2021</b>	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
<b>July 1, 2021</b>	<i>Markman</i> hearing at 9:00 a.m.
<b>July 2, 2021</b> (1 business day after <i>Markman</i> hearing)	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
<b>August 13, 2021</b>	Deadline to add parties.

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<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

<b>Date</b>	<b>Item</b>
<b>August 27, 2021</b>	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
<b>October 22, 2021</b>	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
<b>December 30, 2021</b>	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
<b>January 27, 2022</b>	Close of Fact Discovery.
<b>February 3, 2022</b>	Opening Expert Reports.
<b>March 3, 2022</b>	Rebuttal Expert Reports.
<b>March 25, 2022</b>	Close of Expert Discovery.
<b>April 1, 2022</b>	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
<b>April 8, 2022</b>	Dispositive motion deadline and <i>Daubert</i> motion deadline.  See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
<b>April 22, 2022</b>	Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designations).
<b>May 6, 2022</b>	Serve objections to pretrial disclosures/rebuttal disclosures.
<b>May 13, 2022</b>	Serve objections to rebuttal disclosures and file motions <i>in limine</i> .

Date	Item
<b>May 20, 2022</b>	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
<b>May 23, 2022</b>	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .
<b>May 27, 2022</b> (3 business days before Final Pretrial Conference)	File joint notice identifying remaining objections to pretrial disclosures and disputes on motion <i>in limine</i> .
<b>June 1, 2022</b>	Final Pretrial Conference. The Court expects to set this date at the conclusion of the Markman Hearing.
<b>June 6, 2022<sup>3</sup></b>	Jury Selection/Trial. The Court expects to set this date at the conclusion of the Markman Hearing.

ORDERED this 11th day of February, 2021.



**ALAN D ALBRIGHT**  
**UNITED STATES DISTRICT JUDGE**

<sup>3</sup> If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court's default deadlines in light of the actual trial date.